

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION
CRIMINAL MINUTES – SENTENCING HEARING**

Case No.: 5:12CR00038-001

Date: 2/6/2013

Defendant(s):	Counsel:		
Donnie James Bennett (custody)	Joel Hoppe (AFPD)		
PRESENT: 11:42-11:53	JUDGE: Michael F. Urbanski, USDJ		TIME IN COURT: 10:50-11:36,
	Deputy Clerk: Court Reporter: U. S. Attorney: USPO: Case Agent: Interpreter:	Jody Turner Sonia Ferris Lea Ashley Shannon Wright Michael McHugh John Doss, USM N/A	

LIST OF WITNESSES

<u>GOVERNMENT:</u>	<u>DEFENDANT:</u>
1.	1.
2.	2.
3.	3.
4.	4.

PROCEEDINGS:

- No Objections to Presentence Report.
- Court inquires as to Objection(s) to Presentence Report made by USA Deft.
 Court overrules Objection(s). Court grants Objection(s).
- Government presents evidence.
- Defendant presents evidence .
- No evidence presented.
- Court adopts Presentence Report as Amended.
- Court accepts Plea Agreement.
- Government Motion for Substantial Assistance.
 Court grants. Court denies.
- Defendant Motion for Variance.
 Court grants. Court denies.
- Allocutions.

SENTENCE IMPOSED AS FOLLOWS:

CBOP: 30 months

PROB: _____

SR: 10 years - comply w/Standard, Mandatory & Special Conditions.
 Mandatory drug testing suspended.

SA: \$100.00 due immediately.

FINE: \$waived

REST: \$none

Court recommends as follows:

- That Defendant receive appropriate drug treatment and/or mental health treatment while imprisoned and sex offender treatment.
- That Defendant be designated to Delmar, Delaware.

SPECIAL CONDITIONS OF SUPERVISION (Check applicable conditions):

- The defendant shall participate in a program of testing and treatment for substance abuse, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.
- The defendant shall participate in a program of mental health treatment, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.
- The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.
- The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms and illegal controlled substances and pornography.
- The defendant must submit to warrantless search and seizure of person and property by the probation officer or other law enforcement officer, whenever such officer has reasonable suspicion that the defendant is engaged in criminal activity.
- The defendant shall pay any fine, special assessment or restitution that is imposed by this judgment.
- The defendant shall not incur new credit charges or open additional lines of credit without the approval of the supervising officer.
- The defendant shall not purchase, possess, use or administer any alcohol, or frequent any businesses whose primary function is to serve alcoholic beverages.
- The defendant shall provide the probation officer with access to any requested financial information.
- The defendant shall be prohibited from engaging in certain banking activities pursuant to 12 U.S.C. § 1829(a).
- The defendant shall perform ____ hours of community service to be worked out with and approved by the supervising officer.
- The defendant shall participate in the Home Confinement Program under home detention for a period of ____ months and shall abide by all program requirements. The defendant is restricted to his/her residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; or other activities pre-approved by the probation officer.
- While under home detention, the defendant shall submit to electronic monitoring and shall pay the costs of the electronic monitoring service.
- The defendant shall register with the VA Dept. of State Police, Sex Offender Registry. The defendant shall also notify this agency within 30 days of any change of residence.
- Upon release from imprisonment, the defendant shall be delivered to an authorized immigration official for deportation proceedings and shall remain outside of the United States.
- See additional special condition(s) below.

PAYMENT SCHEDULE:

- A lump sum payment of \$100.00 is due immediately, and during the term of imprisonment, payment in equal (weekly, monthly, quarterly) installments of \$____ or ____% of the defendant's income, whichever is Choose an item., to commence ____ days after the date of this judgment; and payment in equal (weekly, monthly, quarterly) installments of \$____ during the term of supervised release, to commence ____ days after release from imprisonment.

ADDITIONAL RULINGS:

- Defendant shall forfeit his interest in the property listed in the Order of Forfeiture entered on (Date).
- Order of Forfeiture shall be made a part of the judgment in this case.
- Defendant shall be ineligible for all federal benefits for mos., yrs., permanently from the date of judgment.
- Count(s) _____ dismissed on Government Motion.
- Defendant advised of right to appeal.
- Defendant remanded to custody.
- Defendant to remain on bond and self report:
 - to the U. S. Marshal no later than (time) on (date).

to the institution designated by the Bureau of Prisons as directed by the U. S. Marshal.
 to the institution designated by the Bureau of Prisons as directed by the U. S. Probation Office.

Additional Information:

Court accepts the Report and Recommendation as amended.

The defendant shall comply with the conditions of supervision as classified in Tier III Sex Offense.